

# Order

Michigan Supreme Court  
Lansing, Michigan

May 23, 2007

Clifford W. Taylor,  
Chief Justice

132856

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 132856  
COA: 274138  
Genesee CC: 05-016395-FC

KATHY O'NEILL PHANEUF,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the December 5, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Genesee Circuit Court, and we REMAND this case to the trial court for resentencing. The initial sentence of 18 years to life was invalid, MCL 769.9(2), and the trial court erroneously resentedenced defendant when she was not present. *People v Mallory*, 421 Mich 229, 247 (1984). See also MCL 768.3; MCR 6.425(E).

We do not retain jurisdiction.



d0516

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 23, 2007

*Corbin R. Davis*

Clerk